

Missouri
Special Education
Advisory Panel
Annual Report

Joe Sartorius, Chair
Fiscal Year 2003-2004

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<http://dese.mo.gov/divspeced/Administration/AdvisoryPanel/94142reports.html>

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Introduction

This annual report of the Missouri Special Education Advisory Panel (SEAP) is respectfully submitted to the Commissioner of the Department of Elementary and Secondary Education (DESE) for the State of Missouri. The reporting period is July 1, 2003, through June 30, 2004. The annual report is a summary of panel activities and recommendations during the reporting period. The panel operates in a collaborative spirit with DESE's Division of Special Education in identifying and addressing areas of concern. The panel convenes on a regular basis to review issues relevant to special education in Missouri.

Advisory Panel Duties

The advisory panel is authorized under the Individuals with Disabilities Education Act (IDEA). The purpose of the panel is to provide policy guidance on special education and related services and to carry out those specific and general functions set forth in the above referenced statutes. The panel shall:

- Advise the Department of Elementary and Secondary Education of unmet needs within the state in the education of children with disabilities;
- Comment publicly on any rules or regulations proposed by the state regarding the education of children with disabilities;
- Advise DESE in developing evaluations and reporting on data to the U.S. Department of Education under Section 618 of the Act;
- Advise DESE in developing corrective action plans to address findings identified in federal monitoring reports under Part B of the Act; and
- Advise DESE in developing and implementing policies relating to the coordination of services for children with disabilities.

Missouri's Vision for Special Education Services

We, the people of Missouri, believe that diversity enhances our culture; therefore, we commit our resources and efforts to accept, educate, and support all children and youth. All children and youth, being of diverse backgrounds and abilities, will have access to all learning activities with accommodations and supports to enable them to succeed. All children and youth are actively engaged in creating their own futures; are prepared for life as independent, informed, and empowered citizens; and are embraced as vital, valued, and contributing members of their communities.

Therefore, we need inclusive communities and schools that:

- Recognize that all children and youth can learn;
- Commit to providing equitable opportunities for all children and youth;
- Build on the individual strengths and abilities of each child and youth;
- Collaborate for the benefit of all children and youth; and
- Recognize and involve families as full partners.

The Special Education Advisory Panel is committed to this vision. We believe that all children, including those in special education, are entitled to and deserving of fair and equitable treatment by the educational system. We believe that all local school systems and all students should be held to the highest standards and that all students should receive an appropriate and quality education to prepare them for life beyond the school years.

The panel recognizes that there have always been and will continue to be challenges in providing an appropriate education for each individual student. It is the firm belief and commitment of this panel that the needs of the individual student should be the prime concern of those involved in creating an individualized program. The panel feels a strong responsibility to represent the interests of all students in special education in achieving the best possible outcomes for them in the educational process. The best outcomes can be achieved when all stakeholders work together in a collaborative manner for the best interests of the individual student.

Panel Activities

The advisory panel engages in a number of activities to fulfill its role of advising the Division on special education issues. The following describes activities from 2003-04.

1. Steering Committee for the Missouri Continuous Improvement Monitoring Process

A major project undertaken by the advisory panel is that of acting as the steering committee for the Continuous Improvement Monitoring Process (CIMP). This project has consumed much of the panel's time during the past three years. The CIMP is a mandate of the federal Office of Special Education Programs (OSEP). The purpose is to monitor and improve the compliance of all states with the Individuals with Disabilities Education Act (IDEA). The process involves an initial self-assessment followed by improvement planning. As the improvement plan is implemented, ongoing evaluation is conducted to determine the effectiveness of the plan and to make adjustments to the plan as necessary.

- Missouri Self-Assessment - Missouri began the CIMP with a self-assessment starting in June 2001. The state was required to conduct extensive research to determine how well the state was meeting all of the needs of children and youth in special education and the status of our compliance with IDEA. OSEP identified a number of "cluster areas" as having the greatest potential for impacting the outcomes for infants, toddlers, children, and youth with disabilities. The cluster areas identified for Part B of IDEA are: General Supervision, Free Appropriate Public Education in the Least Restrictive Environment, Parent Involvement, Secondary Transition, and Transition from Part C to Part B. In addition, Missouri's Division of Special Education established an additional cluster area focused on special education services for preschool children.

The advisory panel worked with DESE in forming committees of stakeholders from across the state to meet and review the status of Missouri's special education in each of the identified cluster areas. Various panel members were included in each committee. The final self-assessment document was submitted to OSEP October 2002. OSEP's response to the self-assessment, received March 2003, identified the lack of monitoring of programs for youth in city and county jails as a compliance issue.

- Improvement Planning - At the panel's December 2002 meeting, OSEP complimented Missouri on the amount of data supplied and our current status of compliance with IDEA. While there were some concerns about Part C, OSEP advised Missouri to move forward with the improvement phase of the CIMP process.

The panel and DESE were assisted by Carol Daniels of GLARRC in understanding and beginning this process. It was determined that the first step would be identifying the priority

areas and then forming subcommittees for each priority. The panel determined that focusing on two areas at a time for improvement would be a realistic undertaking. The two priority areas identified were:

- o Transition: increasing post-secondary outcomes of students with disabilities, and
- o Achievement: increasing the achievement of students with disabilities in elementary grades.

Subcommittees were selected to begin work on the two priority areas. Members of the subcommittees included a variety of stakeholders representing various geographical areas of the state. In addition, whenever possible, efforts were made to include people with a degree of expertise in the respective areas. The Chair appointed one panel member to be involved with each of the respective subcommittees and to serve as a liaison to the panel. With assistance from GLARRC, the subcommittees met and completed their respective assignments. Both of the subcommittees went through a process of identifying root causes and then developing strategies for improvement.

In addition to the transition and achievement priority areas, Missouri's Improvement Plan addressed the monitoring of programs for youth in city and county jails and was submitted to OSEP July 2003. OSEP's response to the improvement plan was received in May 2004. Findings included lack of monitoring of programs for youth in city and county jails, noncompliance with statewide assessment regulations, and limited data on interagency collaboration and the impact of personnel shortages.

2. OSEP Verification Visit

As a part of the CIMP/Focused Monitoring process, OSEP conducted an on-site verification (Part B and C) visit with the Division of Special Education the week of December 8, 2003. The purpose of the visit was to gather information about Missouri's compliance monitoring system, statewide assessment system, and data collection processes. Prior to the visit, two panel members gave input on those processes in a conference call with OSEP. OSEP's response to the verification visit was received in May 2004. Findings included the need for monitoring of programs for youth in city and county jails, timely correction of noncompliance by school districts, ensuring correction of all noncompliance, ensuring accuracy of data reported by school districts, ensuring that all children participate in state and district-wide assessments, and reporting performance on the MAP-Alternate.

3. Missouri Annual Performance Report

The Annual Performance Report (APR) combines the components of performance reporting (data reporting/analysis) and improvement planning (future targets and activities to meet those targets). In April 2004, Missouri submitted to OSEP the APR for the 2002-03 reporting year as well as future activities for 2003-04 and onward. The time period for the future activities was the same as for the improvement plan, so the APR is largely a repeat of the improvement plan.

4. Formal Recommendations to DESE

Below are formal recommendations that were presented and discussed at SEAP meetings.

- Maximization of Services (Formal Recommendation #3, presented December 2003) - As a result of the *Lagares v. Camdenton School District*, legislation was enacted removing

“maximization of services” language from Missouri’s Special Education law. A motion was presented requesting that DESE make overtures to the legislature to restore this language. On November 25, 2003, the Missouri Supreme Court upheld the lower court decision. Therefore, removal of the maximization language in Missouri statutes has been upheld. Missouri law currently reflects the federal standard of a “free appropriate public education” for special education services. DESE has been requested to provide the definition of “appropriate” to the panel and responded with the definition of FREE Appropriate Public Education from federal regulations.

- Funding for and Provision of Services to Students in State Operated Programs (Formal Recommendation #6, presented February 2003) - The formal recommendation was closed June 2004.
- Lobbying for Full Funding for Special Education (Formal Recommendation #7, presented December 2003 – later closed).
- Due Process Hearing Withdrawal Information (Formal Recommendation #8, presented April 2004) - The panel recommended that when parent (or representative) notifies DESE of desire to withdraw a due process request, DESE shall survey the parent (or representative) as to the reason for the withdrawal. DESE and panel members developed the survey questions.
- Child Complaint Investigations (Formal Recommendation #9, presented June 2004) - An investigation of child complaint decisions could be triggered by a specific alleged deficit in the decision. The purpose of this process is so that DESE can evaluate its investigation process and if there are deficiencies in the process, the process can be changed. The investigation will be reviewed by someone outside of the Compliance Section. Further action is pending.

5. Changes to Annual Performance Report

The panel recommended the following changes/additions to the Annual Performance Report for the State Improvement Grants: A cover sheet/title page; a table of contents; a complete list of LEAs, IHEs, etc. receiving funds around objectives addressed; a correlation of budget objectives; a summary of information regarding interpretation of data as it relates to the specific objective; a detailed account of unused funds for other purposes; and tuition reimbursement follow-up information regarding employment in Missouri schools in special education certification positions and employee retention.

6. Focus Group

The panel recommended that DESE contract with OSEDA to develop surveys and focus group questions to address parent involvement. Five areas were identified from the Parent Involvement cluster area. Those five areas are:

- Are parents of students with disabilities informed of progress at least as often as non-disabled peers?
- Do parents understand IEP process and service?
- Are parents informed of their parent rights and responsibilities?
- How do we know that they understand the Procedural Safeguards?
- Are parents involved in decision-making for their children?

7. Due Process Withdrawals

The Panel recommended that when parent (or representative) notifies DESE of desire to withdraw a due process request, DESE shall survey the parent (or representative) as to the reason for the withdrawal. DESE and SEAP members continue to work on developing the survey questions.

8. Participation in OSEP Conference

In July 2003, the panel Chair attended an OSEP conference in Washington, D.C. The conference focused on No Child Left Behind and how it will align with IDEA. A full report was given to the entire panel.

9. Panel Meeting – September 2003

- State Funding – The Division presented information to the panel on special education funding that is available for LEA's to access. Each district determines what the average cost is to educate all students in their district. If a student exceeds that average, the district can outline those additional costs needed and then submit to DESE. DESE reviews this information and determines reimbursement. Additional information: http://dese.mo.gov/divspeced/Finance/Special_Purpose_Funds.html.
- Panel Compliance - Discussion was initiated regarding panel compliance with federal law due to current vacancies. The panel is made up of thirty-one members and by federal regulation, a majority of the members must be parents or persons with a disability. Due to five vacancies in the parents or persons with a disability category, there was not a majority in this category.

10. Panel Meeting – December 2003

- Maximization Language – Formal Recommendation #3
- Funding/Services (on-going) – Last year the state operated programs were cut by \$1 million resulting in fewer bus routes, larger class sizes, etc. The concern was the present threat to funding/services for a variety of programs supported through appropriations by the Missouri General Assembly. The panel recommended that the level of services to the students attending these state operated programs be maintained at the same level if the responsibility for providing services transfers to the local school districts. The legislature needs to ensure that the money is appropriated to follow those children no matter where they are receiving services.
- Budget Update – Dale Carlson, Administration Coordinator, shared with the Panel information regarding the current budget.
- Due Process Disclosure - Pam Williams, Director of the Division's Compliance Section, addressed the panel regarding the due process decisions for the 2002-03 school year. Decisions may be viewed at the following website – http://dese.mo.gov/divspeced/Complaint_System/02-03_DPDecision.html. Pam Williams indicated there are currently 122 hearing officers. A copy of the listing may be obtained by contacting Wanda Allen at wanda.allen@dese.mo.gov.

11. Panel Meeting – February 2004

Cancelled due to inclement weather.

12. Panel Meeting – April 2004

- Performance Report – Mary Corey, Data Coordination Director, shared changes to the structure of the Annual Performance Report by OSEP. The three priority areas included the monitoring of programs for youth in city/county jail, increasing elementary achievement, and increasing post-secondary outcomes. OSEP expects that DESE have stakeholder involvement in preparing the performance report.
- SEAP Annual Report – The Panel discussed changes to the format of the SEAP Annual Report.
- Budget Update – Dale Carlson discussed information regarding the 2005 appropriation process. He discussed with the Panel what DESE requested; what was recommended by the Governor, House, and Senate; and the status.
- 8th Circuit Court of Appeals Decision – Debby Parsons, Special Education Services Coordinator, shared with the panel the 8th Circuit Court of Appeals decision.
- State Improvement Grant (SIG) – Karen Allan, Assistant Director of Effective Practices, presented information to the panel regarding the SIG application. The panel will continue to be advisory with this grant.

13. Panel Meeting – June 2004

- Post Secondary Outcomes – DESE and the panel reviewed and discussed sections of the Annual Performance Report that deal with post-secondary outcomes.
- Key OSEP Indicators – Mary Corey, Director of Data Coordination, presented the panel with information about OSEP's four-part accountability system and how Missouri ranks in comparison to other states on key OSEP indicators.
- Budget – Melodie Friedebach, Assistant Commissioner, presented that the legislature approved Division of Special Education appropriations for FY 2005.

14. Public Comment

The panel was advised on a number of issues both from DESE and from individual panel members surrounding special education. Minutes from panel meetings are available on the DESE web site. Visitors are welcome to comment at any of the panel meetings.

Standing Committees

The panel decided that the following four standing committees would drive much of the panel's meeting agendas in the future. The committees are expected to meet prior to and during the SEAP meetings and provide updates and make formal recommendations to the entire panel for consideration.

Rules and Regulations Committee

1. Review any rule changes in special education proposed by DESE;
2. Review current rules and regulations and make appropriate recommendations for change; and
3. Provide a forum for keeping panel members advised of proposed legislation relevant to special education.

Evaluation Committee

1. Ensure that evaluations and data collection are appropriate and complete as directed by the panel and OSEP;

2. Ensure that any decisions are supported by data;
3. Track the improvement plan (CIMP); and
4. Prepare the Annual Report of the advisory panel.

The Evaluation Committee has:

- Reviewed data reports provided by DESE Data Coordination Director, Mary Corey.
- Reviewed CIMP revisions.
- Revised and produced the SEAP 2004 Annual Report

Monitoring Committee

1. Review statewide monitoring data trends;
2. Review corrective action plans (CAP) and improvement plans (IP) submitted to OSEP;
3. Review MSIP cycle plans; and
4. Review due process and child complaint results.

The committee developed the following work plan at the June 2003 meeting:

- Review results of the OSEP review of Missouri's Self-Assessment submitted October 2002
- Review Missouri's Improvement Plan (IP) formerly referred to as the Corrective Action Plan (CAP)

Addressed at the September 2003 meeting:

- Reviewed MSIP results to date (updated results will be available 07/01/04)
- Reviewed plans for the fourth cycle of MSIP

Addressed at the December 2003 meeting:

- Reviewed child complaints and due process issues and results

At the June 2003 meeting, the committee reported its concerns that the Improvement Plan achievement goals/benchmarks are to bring students with disabilities to the present level of all students, but all students may have increased by then and that transition goals/benchmarks for students with disabilities were still below those of all students. MSIP monitoring results were not shared with the committee until just before the September panel meeting which delayed consideration of this information. Fourth cycle MSIP materials were shared with the committee January, 5, 2004. MSIP results and practices have been discussed in many ways but there is question of whether it is an appropriate subject for committee attention and effort. Child complaint and due process data were shared with the committee prior to the December meeting and after Panel discussion the committee undertook the effort to (1) develop a child complaint investigation review procedure and (2) recommend a method for gaining more detailed information about due process withdrawals. Two proposed formal recommendations were presented to the panel at its April meeting. The first, dealing with due process withdrawals, passed and went on to DESE for response. The second, dealing with child complaint investigation review procedures, was being sent back to the committee due to the fact that federal requirements would not allow a review as proposed.

Programs Committee

1. Provide panel input to the Effective Practices (EP) Section of the Division of Special Education; and
2. Act as an advisory board in the development of initiatives prior to the finished product.

Nominations Committee

1. Provide panel with slate of officers for next fiscal year for nomination, and
2. Review and recommend nomination requests for panel members.

Future Focus

The 2005 fiscal year will be a busy one for the advisory panel. The panel will continue to advise DESE on issues of general supervision, early childhood special education transition, parent involvement, FAPE/LRE, and secondary transition. In addition, the panel will continue to advise DESE on issues surrounding No Child Left Behind (NCLB) and the reauthorization of IDEA. The ongoing work of the standing committees (Programs, Rules and Regulations, Evaluations, Monitoring, and Nominations committees) should result in a number of formal recommendations to DESE in an effort to improve special education in Missouri.

Closing

The advisory panel continuously works towards the understanding of, respect for, support for, and the appropriate education of, all children with disabilities in Missouri schools. The panel believes in optimizing the educational achievement of every child through a strong education system that is proactive and supportive of students, families, and educators. To this end, the panel will use its strength as a broad-based constituency group to plan an active and influential role in decisions affecting policies, programs, and services. Improving the education of children with disabilities is never an accident; it is the result of high intention, sincere effort, intelligent direction, skillful execution, and the vision to see obstacles as opportunities.

Acknowledgements

The panel wishes to acknowledge the contributions of Melodie Friedebach, Debby Parsons, and Lina Browner, along with other DESE staff, for their assistance in providing essential information through a variety of reports and presentations.

Links

Additional information about the panel can be found at:

www.dese.mo.gov/divspeced/Administration/AdvisoryPanel/94142mainpage.html

Additional information from the Division of Special Education can be found at:

www.dese.mo.gov/divspeced/

Additional information about the Missouri Continuous Improvement Process, including the Self-Assessment, Improvement Plan, and Annual Performance Report can be found at:

www.dese.mo.gov/divspeced/IPpage.html

Missouri DESE maintains a webpage of special education links at:

www.dese.mo.gov/divspeced/othersites2.html

2003-2004 Membership Roster

Tamara Arthaud-Springfield
Dan Colgan-St. Joseph
Nan Davis-Kirksville
Melodie Friedebach-Jefferson City
Dennis Gragg-Jefferson City
Patricia Grassa-Springfield
Michael Hanrahan-Cameron
Eileen Huth-Ballwin
Patricia Jackson-Raytown
Kent Kolaga-Jefferson City
Sandra Levels-Jefferson City
Scott Mantooth-Jefferson City
Tracy Mertz-Lake St. Louis
Cathy Meyer-St. Louis
Deana O'Brien-California
Dee Ragsdale-Mexico
Eric Remelius-Columbia
Lynda Roberts-Jefferson City
Joe Sartorius-St. Louis
Mary Kay Savage-Kansas City
Barbara Scheidegger-Jefferson City
Patti Simcosky-Independence
Richard Staley-Winfield
Stephen Viola-St. Louis
Dennis Von Allmen-West Plains
Pam Walls-Sedgewickville
Raymond Wicks-St. Louis
Shirley Woods-Kansas City
Joan Zavitsky-Eureka

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